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March 29, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals - 445 12th Street, S.W.
TW-A325
Washington, DC 20554

Re: *ET Docket No. 98-206; IB Docket No. 98-172*; **EX PARTE**

Dear Ms. Salas:

This is to advise you that on Thursday, March 18, 1999, Merrill Spiegel and Paul Anderson (by telephone) of DIRECTV, Inc. ("DIRECTV"), and Giselle Gomez and the undersigned, also on behalf of DIRECTV, met with Tom Tycz, Chief of the Satellite & Radiocommunication Division (the "Division"), International Bureau; Harry Ng, Engineering Advisor to the Division; Karl Kensinger, Special Advisor to the Division; Julie Garcia of the Satellite Engineering Branch of the Division; and Jennifer Gilsenan of the Satellite Policy Branch of the Division. The attached document, which outlines the issues of discussion, was provided to the participants at the meeting.

An original and two copies of this letter and attachment are enclosed.

Sincerely,

James H. Barker
of LATHAM & WATKINS

Enclosure

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Ensure Use of 17.3 - 17.8 GHz Band for the BSS

DIRECTV, Inc.

March 18, 1999

Region 2 BSS Allocations

- Only 1000 MHz of spectrum allocated to BSS below 40 GHz in Region 2: 12.2 -12.7 GHz and 17.3 - 17.8 GHz (WRC-97 identified 3000 MHz of spectrum for NGSO FSS use in each direction)
- Use of additional capacity in 12 GHz Planned Band not expected to be possible
- 17 GHz band is a critical source of additional BSS capacity
- This BSS allocation, with associated wide satellite spacing and no PFD limits, make it ideal for DBS

Need for the 17.3 - 17.8 GHz Band for BSS

- Provide strong competition to cable systems whose programming capacity is increasing dramatically as they convert to digital
- Provide both Standard Definition TV and HDTV
- Supplement existing 12 GHz service, e.g., niche, ethnic and educational programming
- Maintain and improve technical quality of the broadcast through implementation of new technologies

Feasibility of NGSO FSS Sharing with the BSS

- NGSO FSS (Earth-to-space) has proposed sharing with BSS - "Reverse Band Working"
- Concern is interference from transmitting NGSO user and gateway terminals to BSS receive dishes
- Successful BSS service is dependent on the ability to deploy ubiquitous user terminals
- JTG agreed that sharing with NGSO FSS user terminals and the BSS service is not feasible

Results of USA Studies on NGSO Gateways

DIRECTV®

- Without shielding:
  - Coordination distance is 100 km -- Potential affected USA residences = 3.1 Million per gateway terminal
  - Worst case separation distance is 93.9 km -- Potential affected USA residences = 2.8 Million per gateway terminal
  - Best case separation distance is 15.8 km -- Potential affected USA residences = 78,400 per gateway terminal
- If 20 dB of shielding can be realized:
  - Worst case separation distance may still potentially affect 25,000 USA residences per gateway terminal
- Above distances will overly constrain the BSS; thus, NGSO FSS should not be allowed to use this band

Regulatory Issues Affecting Potential Use of the 17 GHz Band by NGSO FSS

- Region 2 BSS allocation does not come into effect until 2007
- If there is a Region 2 allocation for NGSO FSS at 17 GHz prior to 2007, this creates an international border concern
- There would be no regulatory opportunity for USA to comment on deployment of NGSO FSS earth station (users or gateways) near a USA border prior to 2007

Regulatory Issues Affecting Potential Use of the 17 GHz Band by NGSO FSS (continued)

- USA BSS service in the 17 GHz band would have to accept interference from notified NGSO FSS earth stations when their systems are implemented on or after 2007
- RCS has proposed that NGSO FSS should not operate in the 17.3 - 17.8 GHz band because both Radiolocation and BSS are incompatible with NGSO FSS services